IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 32857 of 2006 J

PETITIONER:

C.K. BALAN,
CHENATHUKATTIL HOUSE, DESAMANGALAM P.O.,
THRISSUR DIST.

BY ADV. SRI.D.SREEKUMAR

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR.

4. THE DISTRICT PROJECT OFFICER,
SARVA SIKSHA ABHAYAN, THRISSUR.

5. THE ACCOUNTANT GENERAL (A & E),
THIRUVANANTHAPURAM.

6. R. RAVEENDRAN NAIR,
ASST.EDUCATIONAL OFFICER, WADAKANCHERRY.

7. T.C. RAVEENDRANATH,
ACCOUNTS OFFICE, SSA, THODUPUZHA, IDUKKI DISTRICT.

8. THE SUB TREASURY OFFICER,
WADAKANCHERRY.

9. THE DIRECTOR OF VIGILANCE,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 32857 OF 2006 J

Dated this the 11th December, 2006

JUDGMENT

Case of petitioner, in brief, is as follows:

The 7th respondent Accounts Officer, purposively removed the signed application of the petitioner for commuted value of pension, as he has not opted for the same and thereby the claim for commuted value of pension is denied. It is also stated that petitioner retired on 31.3.2006. He has an unblemished record, it is stated. He submitted the pension papers on 22.11.2005 which included the application for commuted value of pension. Ext.P1 is the pension payment order. According to petitioner, in Ext.P1 it is endorsed at clause 9 against the column Amount of Pension commuted that "not applied/sanction due/Medical Examination needed." Ext.P2 is produced as the certified copy of the application for pension and commuted value of pension which is due to the petitioner. Petitioner relies on Ext.P2 to show that he has applied for commuted value of pension.

Petitioner addressed Ext.P3 complaint before respondents 1 and 2. I heard the learned Government Pleader also. The Writ Petition is disposed of directing second respondent to consider and take a decision on Ext.P3 in accordance with law, after hearing the petitioner also, within a period of one month from the date of receipt of a copy of this Judgment. I leave open the complaint of petitioner in regard to non-payment of DCRG.

K. M. JOSEPH, JUDGE

kbk.